

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

UNITED NATIONAL)	
INSURANCE COMPANY,)	
)	
Plaintiff;)	
)	6:12-cv-1926-LSC
vs.)	
)	
INDIAN HARBOR INSURANCE)	
COMPANY, et al.,)	
)	
Defendants.)	

ORDER

The Court has before it the Joint Motion to Approve Settlement of this declaratory judgment action, which was filed by all parties except defendants Middle Tennessee Lumber Company, Inc. (“Middle Tennessee Lumber”) and William D. Joyce, Jr. (“Joyce”). (Doc. 23.) At the time of the filing of the joint motion to approve settlement, Middle Tennessee Lumber and Joyce had never appeared in this matter. The magistrate judge filed a report and recommendation on July 16, 2013, recommending that the motion be granted and that the district court approve the proposed settlement and dismiss this action with prejudice, with costs to be taxed as paid. (Doc. 32.) The report and recommendation states, among other things, that all

parties who have appeared in this proceeding have stipulated and agreed that no coverage exists under the two insurance policies at issue in this matter. The time for filing objections passed with no objections filed by any party. The undersigned judge was randomly selected to issue a ruling on the magistrate judge's report and recommendation. The undersigned judge then held a telephone conference with the parties on September 4, 2013.

On September 24, 2013, counsel for defendants Middle Tennessee Lumber and Joyce filed a Motion for Leave to Appear *Pro Hac Vice* for the limited purpose of filing a Notice of Consent to Judgment. (Doc. 39.) In said motion, counsel requests that the Court waive the prescribed fee for appearance *pro hac vice*. Contemporaneously, defendants Middle Tennessee Lumber and Joyce, through counsel, filed a Notice of Consent to Judgment which states that they also consent to an entry of judgment that no coverage exists under the two insurance policies at issue. (Doc. 36.)

Accordingly, and having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation that the Court approve the settlement is ACCEPTED, with the addition of the Notice of Consent to Judgment that has now

been filed by defendants Middle Tennessee Lumber and Joyce. The parties' motion for approval of the settlement (Doc. 23) is hereby GRANTED. Counsel's motion to appear *pro hac vice* without payment of the prescribed fee (Doc. 38) is also GRANTED, as counsel's appearance was limited to consenting to a judgment that had already been recommended by the magistrate judge and has now been approved by this Court.

This case is therefore DISMISSED with prejudice. Costs are taxed as paid.

Done this 25th day of September 2013.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
[160704]